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Security Council

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Letter dated 20 September 2001 from the Permanent Representative of Iraq to the United Nations addressed to the Secretary-General

On instructions from my Government, I have the honour to transmit to you herewith a letter dated 19 September 2001 from Mr. Naji Sabri, Minister for Foreign Affairs of Iraq. Appended to the Minister's letter is a table showing violations of Iraq's international boundaries committed by United States and British warplanes flying across the demilitarized zone monitored by the United Nations Iraq-Kuwait Observation Mission (UNIKOM) in the period from 1 to 14 September 2001.

The Minister urges you to instruct UNIKOM to perform its duties in full, to report these violations to the Security Council through you immediately they occur and to specify the number and nationality of the warplanes that violate the demilitarized zone, given that such violations constitute wanton aggression against Iraq and against its people, its sovereignty and its territory, as well as against United Nations peacekeeping operations. He further asks you to alert the Security Council to its responsibility to halt the aggression and hold the aggressors accountable for it under international law.

I should be grateful if you would have the present letter and its annex circulated as a document of the Security Council.

(*Signed*) Mohammed A. **Al-Douri**
Ambassador
Permanent Representative

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Annex to the letter dated 20 September 2001 from the Permanent Representative of Iraq to the United Nations addressed to the Secretary-General

Further to our letter dated 15 September 2001 (S/2001/879, annex), I should like to inform you that United States and British warplanes committed 67 violations of Iraq's international boundaries from bases in Kuwait, from Kuwait's airspace and territorial waters and by way of the demilitarized zone monitored by the United Nations Iraq-Kuwait Observation Mission (UNIKOM) in the period from 1 to 14 September 2001. As shown in the table appended to this letter, the relevant Iraqi authorities have determined that the violations committed were as follows:

1. Armed aerial activity by the United States and the United Kingdom, violating our international boundaries from United States and British bases in Kuwait, from Kuwait's airspace and territorial waters and by way of the demilitarized zone, comprised 67 armed sorties in the following governorates: Dhi Qar, Muthanna, Basrah, Maysan and Qadisiyah.

2. Our technical systems identified the aircraft violating Iraq's airspace on a daily basis as American F-14s, F-15s, F-16s and F-18s and British Tornadoes.

3. An AWACS aircraft operating inside Saudi airspace and an E-2C aircraft operating inside Kuwaiti airspace provided support to all of the United States and British aircraft that carried out armed and hostile sorties, violating Iraq's airspace by way of the demilitarized zone.

4. Between 1 and 14 September 2001, a total of 14 remotely piloted aircraft violated Iraq's airspace from United States and British bases in Kuwait, from Kuwait's airspace and territorial waters and by way of the demilitarized zone.

All of the violations in question were committed by way of the demilitarized zone in which UNIKOM is stationed. One of UNIKOM's primary responsibilities is to monitor such hostile military operations and to report them and endeavour to halt them immediately.

The fair-minded nations of the world, including the Arab countries, have condemned the maintenance of the no-flight zones as representing an illegitimate use of force against an independent, sovereign State. Three countries that are permanent members of the Security Council, namely the Russian Federation, China and France, have stressed the fact that the enforcement of the no-flight zones in northern and southern Iraq has no basis in any principle of international law. Mr. Boutros Boutros-Ghali, your predecessor as Secretary-General, has stated that the claim made by the United States that Security Council resolution 688 (1991) authorizes the imposition of the no-flight zones is groundless. At your press conference of 27 June 2001, you said that there was no basis in the resolutions of the Security Council for the imposition of the no-flight zones in northern and southern Iraq. Your actual words were (SG/SM/7865):

> "You know my position on this, and I have indicated that when you analyse and read the Security Council resolutions I do not see the Security Council resolutions as a basis for that."

The violations being committed by the United States and the United Kingdom involving 10 to 20 military aircraft on a daily basis are tantamount to an undeclared

war. It is imperative that the United Nations should take the measures that are required in their regard under the Charter so that the aggression may be halted and those who have committed the violations may be held fully responsible for them under international law and liable for payment of compensation to Iraq.

The statements of UNIKOM to the effect that it is unable to monitor or identify these aircraft are untenable in the light of the scientific and technological capabilities that are available or that UNIKOM is in a position to acquire and utilize in order to fulfil the requirements of its mandate and establish the identity and country of the warplanes that are violating Iraq's sovereign airspace, so that the necessary measures can then be taken by the Security Council to halt these violations and acts of aggression.

I accordingly urge you once more to instruct UNIKOM to perform its duties in full, to report these violations to the Security Council through you immediately they occur and to specify the number and nationality of the warplanes that violate the demilitarized zone and commit aggression against Iraq, given that they constitute wanton aggression against Iraq and against its people, its sovereignty and its territory, as well as against United Nations peacekeeping operations. I also ask you to alert the Security Council to its responsibility to halt the aggression and hold the aggressors accountable for it under international law.

(*Signed*) Naji **Sabri**
Minister for Foreign Affairs

Enclosure

Hostile aerial activity violating Iraq's international boundaries from Kuwait and by way of the demilitarized zone, 1-14 September 2001

No.	*Date*	*From*	*Time*	*Type*	*Armed sorties*	*Altitude (metres)*	*Speed (km/h)*	*Areas overflown*
1	1-7 September	Kuwait	0628-2020	F-14, F-15, F-16, F-18, drone	23 (including 5 drones)	8,500-11,000	240-780	Basrah, Nasiriyah, Shatrah, Afak, Diwaniyah, Hayy, Kut, Jalibah
2	8-14 September	Kuwait	0910-0110	F-14, F-15, F-16, F-18, drone	44 (including 9 drones)	7,000-10,000	180-720	Basrah, Nasiriyah, Nu'maniyah, Hayy, Samawah, Diwaniyah, Jalibah, Artawi, Rifa'i

Total sorties: 67